## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

ANDREW CORZO, SIA HENRY, ALEXANDER LEO-GUERRA, MICHAEL MAERLENDER, BRANDON PIYEVSKY, BENJAMIN SHUMATE, BRITTANY TATIANA WEAVER, and CAMERON WILLIAMS, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY, UNIVERSITY
OF CHICAGO, THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW YORK,
CORNELL UNIVERSITY, TRUSTEES OF
DARTMOUTH COLLEGE, DUKE UNIVERSITY,
EMORY UNIVERSITY, GEORGETOWN
UNIVERSITY, THE JOHNS HOPKINS
UNIVERSITY, MASSACHUSETTS INSTITUTE
OF TECHNOLOGY, NORTHWESTERN
UNIVERSITY, UNIVERSITY OF NOTRE DAME
DU LAC, THE TRUSTEES OF THE UNIVERSITY
OF PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY, and
YALE UNIVERSITY,

Defendants.

Civil Action No. 1:22-cv-00125

Hon. Matthew F. Kennelly

# JOINT MOTION TO FILE UNDER SEAL PORTIONS OF THE NOVEMBER 22, 2023 JOINT STATUS REPORT

Pursuant to the Amended Confidentiality Order in this case (ECF No. 416-1) and Local Rule 26.2, Plaintiffs and Defendants (collectively, "the Parties") respectfully request that the Court grant the Parties' Joint Motion to File Under Seal portions of the November 22, 2023 Joint Status Report. In support of this Motion, the Parties state as follows:

#### **LEGAL STANDARD**

1. The Seventh Circuit has long recognized that "[i]nformation that affects the disposition of litigation belongs in the public record *unless* a statute or privilege justifies nondisclosure," and documents containing confidential information may be sealed. *United States* v. Foster, 564 F.3d 852, 853 (7th Cir. 2009) (emphasis added). A court may enter an order directing a document or portion of a document be shielded from public disclosure upon a showing of "good cause." See, e.g., Bond v. Utreras, 585 F.3d 1061, 1074 (7th Cir. 2009).

#### **DISCUSSION**

- 2. "[A] court may for good cause shown enter an order directing that one or more documents be filed under seal." Loc. R. 26.2(b). The Parties move to place portions of the November 22, 2023 Joint Status Report under seal because the Report discusses and references highly sensitive information that the Parties have not made publicly available and that should remain under seal, as provided for in the Amended Confidentiality Order (ECF No. 416-1).
- 3. In accordance with Local Rule 26.2(c), the November 22, 2023 Joint Status Report will continue to be provisionally under seal, but an unredacted version will be provided to counsel of record and the Court. In addition, a redacted "public-record" version will be filed via the ECF system within 14 days.

## **CONCLUSION**

For the foregoing reasons, the Parties respectfully request that the Court grant this Motion to Seal and enter an order permitting the Parties to file a "public-record" version of the November 22, 2023 Joint Status Report with portions redacted.

Dated: November 22, 2023

By: /s/ Edward J. Normand Devin "Vel" Freedman Edward J. Normand Peter Bach-y-Rita Richard Cipolla

FREEDMAN NORMAND FRIEDLAND LLP

99 Park Avenue Suite 1910

New York, NY 10016 Tel.: 646-970-7513 vel@fnf.law

tnormand@fnf.law pbachyrita@fnf.law rcipolla@fnf.law

By: /s/ Robert D. Gilbert

Robert D. Gilbert Elpidio Villarreal Robert S. Raymar David Copeland Steven Magnusson Natasha Zaslove

GILBERT LITIGATORS & COUNSELORS,

P.C.

11 Broadway, Suite 615 New York, NY 10004 Phone: (646) 448-5269 rgilbert@gilbertlitigators.com pdvillarreal@gilbertlitigators.com

rraymar@gilbertlitigators.com dcopeland@gilbertlitigators.com smagnusson@gilbertlitigators.com nzaslove@gilbertlitigators.com

By: /s/ Eric L. Cramer

Eric L. Cramer Caitlin G. Coslett

BERGER MONTAGUE PC 1818 Market Street, Suite 3600

Philadelphia, PA 19103 Tel.: 215-875-3000 ecramer@bm.net ccoslett@bm.net Respectfully submitted,

By: <u>/s/ Jon Roellke</u> Jon R. Roellke

MORGAN, LEWIS & BOCKIUS LLP 1111 Pennsylvania Avenue, NW Washington, DC 20004-2541

Tel.: 202-739-5754

jon.roellke@morganlewis.com

Noah J. Kaufman

MORGAN, LEWIS & BOCKIUS LLP

One Federal Street Boston, MA 02210 Tel.: 617-341-7590

noah.kaufman@morganlewis.com

Counsel for Defendant Brown University

By: /s/ Deepti Bansal

Deepti Bansal Alexander J. Kasner COOLEY LLP

1299 Pennsylvania Avenue, NW

Suite 700

Washington, DC 20004-2400

Tel.: 202-728-7027 dbansal@cooley.com akasner@cooley.com

Matthew Kutcher COOLEY LLP 110 N. Wacker Drive Chicago, IL 60606 Tel.: 312-881-6500 mkutcher@cooley.com

Amanda Liverzani COOLEY LLP 55 Hudson Yards

New York, NY 10001-2157

Tel.: 212-479-6000 aliverzani@cooley.com

Counsel for Defendant California Institute of Technology

Richard Schwartz BERGER MONTAGUE PC 1720 W Division Chicago, IL 60622 Tel: 773-257-0255 rschwartz@bm.net

Daniel J. Walker
Robert E. Litan
Ellen Noteware
Hope Brinn
BERGER MONTAGUE PC
2001 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20006
Tel.: 202-559-9745
rlitan@bm.net
dwalker@bm.net
hbrinn@bm.net

Counsel for Plaintiffs

By: /s/ James L. Cooper
James L. Cooper
Michael Rubin
ARNOLD & PORTER KAYE SCHOLER
LLP
601 Massachusetts Avenue, NW
Washington, D.C. 20001-3743
Tel.: 202-942-5014
James.Cooper@arnoldporter.com
Michael.Rubin@arnoldporter.com

Valarie Hays ARNOLD & PORTER KAYE SCHOLER LLP 70 W Madison Street Suite 4200 Chicago, IL 60602 Tel.: 312-583-2440 Valarie.Hays@arnoldporter.com

Counsel for Defendant University of Chicago

By: /s/ Amy Van Gelder
Amy Van Gelder
John Kocoras
SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP
155 N. Wacker Drive
Chicago, IL 60606-1720
Tel.: 312-407-0508
amy.vangelder@skadden.com
john.kocoras@skadden.com

Karen Hoffman Lent SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP One Manhattan West Room 40-216 New York, NY 10001-8602 Tel.: 212-735-3276 karen.lent@skadden.com

Counsel for Defendant The Trustees of Columbia University in the City of New York

By: /s/ Norman Armstrong Norman Armstrong Christopher C. Yook KING & SPALDING LLP 1700 Pennsylvania Avenue, NW Suite 200 Washington, D.C. 20006 Tel.: 202-626-8979 narmstrong@kslaw.com cyook@kslaw.com

Emily T. Chen KING & SPALDING LLP 1185 Avenue of the Americas, 34th Floor New York, NY 10036 Tel.: 212-556-2224 echen@kslaw.com

Zachary T. Fardon KING & SPALDING LLP 110 N Wacker Drive **Suite 3800** Chicago, IL 60606 Tel.: 312-764-6960 zfardon@kslaw.com

## Counsel for Defendant Cornell University

By: /s/ Terri L. Mascherin Terri L. Mascherin Reid J. Schar JENNER & BLOCK LLP 353 N. Clark Street, Chicago, IL 60654-3456 Tel.: 312-222-9350 tmascherin@jenner.com rschar@jenner.com

Ishan K. Bhabha Douglas E. Litvack Lauren J. Hartz JENNER & BLOCK LLP 1099 New York Avenue, NW Suite 900 Washington, DC 20001-4412

Tel.: 202-637-6327

ibhabha@jenner.com dlitvack@jenner.com lhartz@jenner.com

Counsel for Defendant Trustees of Dartmouth College

By: /s/ Christopher Dusseault Christopher D. Dusseault cdusseault@gibsondunn.com Jacqueline L. Sesia jsesia@gibsondunn.com GIBSON, DUNN & CRUTCHER LLP 333 South Grand Avenue Los Angeles, CA 90071 Tel.: (213) 229-7000

James A. Morsch
Jim.morsch@saul.com
SAUL EWING LLP
161 North Clark, Suite 4200
Chicago, IL 60601
Tel.: (312) 876-7100
Facsimile: (312) 876-0288
IL Attorney ID #6209558

Counsel for Defendant Duke University

By: /s/ Tina M. Tabacchi
Tina M. Tabacchi
JONES DAY
110 North Wacker Drive
Suite 4800
Chicago, IL 60606
Tel.: 312-782-3939
tmtabacchi@jonesday.com

Craig A. Waldman Christopher N. Thatch JONES DAY 51 Louisiana Avenue, N.W. Washington, DC 20001-2113 Tel..: 202-879-3877 cwaldman@jonesday.com

Counsel for Defendant Emory University

By: /s/ Britt M. Miller
Britt M. Miller
Daniel T. Fenske
Megan E. Stride
MAYER BROWN LLP
71 South Wacker Drive
Chicago, IL 60606
Tel.: 312-783-0600
bmiller@mayerbrown.com
dfenske@mayerbrown.com
mstride@mayerbrown.com

Counsel for Defendant Georgetown University

By: /s/ Jeffrey J. Bushofsky
Jeffrey J. Bushofsky
ROPES & GRAY LLP
191 North Wacker Drive 32nd Floor
Chicago, IL 60606-4302
Tel.: 312-845-1200
jeffrey.bushofsky@ropesgray.com

Chong S. Park
Samer M. Musallam
ROPES & GRAY LLP
2099 Pennsylvania Avenue, NW
Washington, DC 20006-6807
Tel.: 202-508-4600
chong.park@ropesgray.com
samer.musallam@ropesgray.com

Counsel for Defendant Johns Hopkins University

By: /s/ Eric Mahr
Eric Mahr
Jan Rybnicek
Daphne Lin
FRESHFIELDS BRUCKHAUS DERINGER
700 13th Street, NW
Washington, DC 20005
Tel.: 202-777-4500
eric.mahr@freshfields.com
jan.rybnicek@freshfields.com

### daphne.lin@freshfields.com

Counsel for Defendant Massachusetts Institute of Technology

By: /s/ Scott D. Stein
Scott D. Stein
Kathleen L. Carlson
Benjamin R. Brunner
SIDLEY AUSTIN LLP
1 South Dearborn Street
Chicago, IL 60603
Tel.: 312-853-7520
sstein@sidley.com
kathleen.carlson@sidley.com
bbrunner@sidley.com

Counsel for Defendant Northwestern University

By: /s/ Robert A. Van Kirk
Robert A. Van Kirk
Jonathan B. Pitt
Sarah F. Kirkpatrick
Matthew D. Heins
Cole T. Wintheiser
WILLIAMS & CONNOLLY LLP
680 Maine Avenue SW
Washington, D.C. 20024
Tel.: 202-434-5000
rvankirk@wc.com
skirkpatrick@wc.com
jpitt@wc.com
cwintheiser@wc.com

James Peter Fieweger
MICHAEL BEST & FRIEDRICH LLP
444 West Lake Street
Suite 3200
Chicago, IL 60606
Tel.: 312-222-0800
jpfieweger@michaelbest.com

Counsel for Defendant University of Notre Dame du Lac

By: /s/ Seth Waxman
Seth Waxman
WILMER CUTLER PICKERING HALE
AND DORR LLP
1875 Pennsylvania Avenue NW
Washington, DC 20006
Tel.: 202-663-6800
seth.waxman@wilmerhale.com

David Gringer
Alan Schoenfeld
WILMER CUTLER PICKERING HALE
AND DORR LLP
7 World Trade Center
250 Greenwich Street
New York, NY 10007
Tel.: 212-937-7294
david.gringer@wilmerhale.com
alan.schoenfeld@wilmerhale.com

Daniel Martin Feeney
Edward W. Feldman
MILLER SHAKMAN LEVINE &
FELDMAN LLP
180 North LaSalle Street
Suite 3600
Chicago, IL 60601
Tel.: 312-263-3700
dfeeney@millershakman.com
efeldman@millershakman.com

Counsel for Defendant The Trustees of the University of Pennsylvania

By: /s/ Norman Armstrong
Norman Armstrong
Christopher C. Yook
KING & SPALDING LLP
1700 Pennsylvania Avenue, NW
Suite 200
Washington, D.C. 20006
Tel.: 202-626-8979
narmstrong@kslaw.com
cyook@kslaw.com

Emily T. Chen KING & SPALDING LLP 1185 Avenue of the Americas 34th Floor New York, NY 10036 Tel.: 212-556-2224 echen@kslaw.com

Zachary T. Fardon KING & SPALDING LLP 110 N Wacker Drive Suite 3800 Chicago, IL 60606 Tel. 312-764-6960 zfardon@kslaw.com

Counsel for Defendant William Marsh Rice University

By: /s/ J. Mark Gidley
J. Mark Gidley
WHITE & CASE LLP
701 Thirteenth Street, NW
Washington, DC 20005-3807
Tel.: 202-626-3600
mgidley@whitecase.com

Robert A. Milne
David H. Suggs
WHITE & CASE LLP
1221 Avenue of the Americas
New York, NY 10020-1095
Tel.: 212-819-8200
rmilne@whitecase.com
dsuggs@whitecase.com

Counsel for Defendant Vanderbilt University

By: /s/ Charles A. Loughlin
Charles A. Loughlin
Benjamin F. Holt
Jamie Lee
Molly Pallman
Christopher Fitzpatrick
HOGAN LOVELLS US LLP
555 Thirteenth Street, NW

Washington, DC 20004-1109 Tel.: 202-637-5600 chuck.loughlin@hoganlovells.com benjamin.holt@hoganlovells.com jamie.lee@hoganlovells.com molly.pallman@hoganlovells.com chris.fitzpatrick@hoganlovells.com

Stephen Novack
Stephen J. Siegel
Serena G. Rabie
ARMSTRONG TEASDALE LLP
100 North Riverside Plaza, 15th Floor
Chicago, IL 60606-1501
Tel.: 312-419-6900
snovack@atllp.com
ssiegel@atllp.com
srabie@atllp.com

Counsel for Defendant Yale University